

AMENDED IN ASSEMBLY JUNE 2, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

AMENDED IN ASSEMBLY MARCH 24, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 351

**Introduced by Assembly Members Salas and Ma
(Coauthor: Assembly Member Duvall)**

February 19, 2009

An act to amend Section 51222 of, and to add Section 51242.1 to, the Education Code, relating to physical education, and declaring the urgency thereof, to take effect immediately *education*.

LEGISLATIVE COUNSEL'S DIGEST

AB 351, as amended, Salas. Physical education.

~~(1) Existing~~

Existing law requires all pupils who are not otherwise exempt to attend courses in physical education for a total period of time of not less than 400 minutes each 10 schooldays.

This bill would authorize the governing board of a school district to exempt any high school pupil from courses in physical education if the pupil participates in California Cadet Corps, cheer team or dance team, color guard or drill team, Junior Reserve Officer Training Corps, or marching band as part of the regular *course of study or regular* school-sponsored extracurricular activities. The bill would *specify minimum standards for the physical education substitute courses, require that a certificated employee teach the course of study or sponsor the activity, and* make other technical and clarifying changes.

~~(2) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51222 of the Education Code is amended
2 to read:

3 51222. (a) All pupils, except pupils excused or exempted
4 pursuant to Sections 51241, 51242, and 51242.1, shall be required
5 to attend courses in physical education for a total period of time
6 of not less than 400 minutes each 10 schooldays. Any pupil may
7 be excused from physical education classes during one of grades
8 10, 11, or 12 for a time period less than 24 hours in order to
9 participate in automobile driver training. A pupil who is excused
10 from physical education classes to enroll in driver training shall
11 attend a minimum of 7,000 minutes of physical education
12 instruction during that school year.

13 (b) The governing board of each school district that maintains
14 a high school and that elects to exempt pupils from required
15 attendance in physical education courses pursuant to paragraph
16 (1) or (2), or both, of subdivision (b) of Section 51241 shall offer
17 those exempted pupils a variety of elective physical education
18 courses of not less than 400 minutes each 10 schooldays.

19 SEC. 2. Section 51242.1 is added to the Education Code, to
20 read:

21 51242.1. (a) The governing board of a school district that
22 provides the following courses or programs as part of the regular
23 course of study or as part of the regular school-sponsored
24 extracurricular activities may exempt any high school pupil
25 ~~participating in~~ *who has completed* such a course or program from
26 courses in physical education:

27 ~~(a)~~

28 ~~(1)~~ California Cadet Corps.

29 ~~(b)~~

30 ~~(2)~~ Cheer team or dance team.

31 ~~(c)~~

32 ~~(3)~~ Color guard or drill team.

33 ~~(d)~~

1 (4) Junior Reserve Officer Training Corps.

2 (e)

3 (5) Marching band.

4 (b) Any course or program that qualifies high school pupils for
5 the exemption in subdivision (a) shall include not less than 400
6 minutes of the physical education substitution each 10 school days,
7 and shall support a course of study that includes at least seven of
8 the eight physical education content areas: effects of physical
9 activity upon dynamic health; mechanics of body movement;
10 aquatics; gymnastics and tumbling; individual and dual sports;
11 rhythms and dance; team sports, and combatives.

12 (c) Any regular course of study for which a high school pupil
13 receives course credit and which qualifies her or him for the
14 exemption in subdivision (a) shall be taught by a certificated
15 employee of the school district.

16 (d) Any regular school-sponsored extracurricular activity that
17 qualifies a high school pupil for the exemption in subdivision (a)
18 shall have a certificated employee of the school district serve as
19 the sponsor of the activity at the schoolsite.

20 (e) A pupil shall meet satisfactorily at least five of the six
21 standards of the physical performance test administered pursuant
22 to subdivision (e) of Section 51241 or Section 60800 in grade 9
23 or 10 to continue to be eligible in grades 11 and 12 for an
24 exemption pursuant to subdivision (a).

25 ~~SEC. 3. This act is an urgency statute necessary for the~~
26 ~~immediate preservation of the public peace, health, or safety within~~
27 ~~the meaning of Article IV of the Constitution and shall go into~~
28 ~~immediate effect. The facts constituting the necessity are:~~

29 ~~In order for pupils to avail themselves of the physical education~~
30 ~~exemptions specified in this act as soon as possible, it is necessary~~
31 ~~that this act take effect immediately.~~